



denied as to the request to dismiss the case. Docket No. 16 at 7–8. The Report further recommended that the Court provide Plaintiffs a deadline to file an amended complaint joining Mrs. Harvey as a defendant and to serve Mrs. Harvey with the amended complaint. Finally, the Report also recommended that the Court deny Defendants’ motion to dismiss for failure to state a claim (Docket No. 4) without prejudice as moot, due to the requirement for an amended complaint. To date, no objections to the Report have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, neither party objected in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to

law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 16) as the findings of this Court. Defendants' motion concerning joinder (Docket No. 3) is **GRANTED-IN-PART** and **DENIED-IN-PART**. Plaintiffs may file an amended complaint joining Mrs. Harvey as a Defendant within fourteen days of the issuance of this order and shall serve Mrs. Harvey with the amended complaint pursuant to Federal Rule of Civil Procedure 4(m). Defendants' motion to dismiss for failure to state a claim (Docket No. 4) is **DENIED** without prejudice as moot.

So **ORDERED** and **SIGNED** this **9th** day of **July, 2022**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE